THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 14226 of 1996

DATED: 5-12-2006

Between:

M.Ranga Reddi

…Petitioner

and

The Industrial Tribunal-cum-Labour Court,
Anantapur and another.

…Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.14226 of 1996.

Oral order:

This writ petition is directed against the award dated 26-10-1995 in I.D.No.59 of 1992 by the Industrial Tribunal-cum-Labour Court, Anantapur to the extent back wages have been denied and in lieu thereof a sum of Rs.5000/- is directed to be paid.

The petitioner raised the dispute and sought the relief under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the Act'), aggrieved by an order of termination passed in 1989 by the 2nd respondent herein from the post of Clerk-cum-Salesman and Collection Agent. He was appointed in 1985 but allegedly terminated on 10-3-1989. There was no defence to the claim by the 2nd respondent before the Industrial Tribunal. On the basis of the evidence marshaled on behalf of the petitioner, the Tribunal found that the petitioner's claim remained unrebutted and from the unchallenged testimony of the petitioner-WW1, it is clear that the employer has not complied with the provisions of Section 25-F of the Act and therefore, the petitioner's termination was held illegal. Accordingly, the Tribunal directed reinstatement of the petitioner into service with continuity of service and directed payment of Rs.5000/- by the 2nd respondent herein towards the claim for back wages.

The learned counsel for the petitioner states that no reasons are recorded for the Tribunal's refusal to award back wages. As it apparent, the petitioner's claim is as to the unlawful termination on 10-3-1989. The dispute under Section 2-A(2) was however, raised in 1992 with an inexplicable laches of over three years. That is an

adequate justification for declining back wages.

This court discerns no merits in the writ petition. The writ petition is accordingly dismissed. There shall be no order as to costs.

_____

GODA RAGHURAM, J.

5th December, 2006.
GRR